IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (LDG) NO.3107 OF 2005

Shree Laxmi Kirti Industrial Premises Cooperative Society Ltd. ..Petitioner

Versus

The Municipal Corporation of Greater Mumbai and Ors. .. ..Respondents

Mr.P.J. Thorat for petitioner
Mrs. A.R.Joshi for respondents

CORAM : P.V.KAKADE, J.

DATE : 23rd DECEMBER, 2005

MENTIONED NOT ON BOARD

P.C.:

. Heard the learned counsel for both the parties. The learned counsel for the respondents waive service. Perused the record.

. Rule, rule made returnable forthwith by consent.

1. The following members of the petitioner society (i) M/s. Parveen Industries, (ii), M/s. K-LITE, (iii) M/s. Span Engine Cooling Systems Pvt. Ltd., (iv) M/s. Liberty Dyes, (v) M/s. Liberty Dyes and (vi) Ashok V.

goswami, will be permitted to file proposal for regularisation within a period of 16 weeks from today towards regularisation of the mezzanine floor in Unit Nos. 11-Q, 9-E, 11-NE, 9-K, 9-L and 8-H respectively, Laxmi Industrial Estate, Andheri (West), Mumbai 400 058, pursuant to the Orders bearing No.KW/351/1486/BF dated 23.9.2005, No.KW/351/1488/BF dated 18.11.2005, No.KW/351/899/BF dated 21.11.2005, NO.KW/351/1739/BF dated 30.11.2005, No.KW/351/1738/BF dated 18.11.2005 and No.KW/351/896/BF dated 18.11.2005 respectively passed by the Respondent No.3.

2. The respondent No.4 shall accept the proposal for regularisation submitted by the members of the Petitioner mentioned in clause No.1 hereinabove.

3. The respondent no.4 shall consider the regularisation proposal submitted by the above mentioned members of the petitioner society towards the regularisation of the mezzanine floor by giving opportunity to the said members of Petitioner to produce all relevant documents which are necessary for such regularisation.

4. In the event the proposal is not accepted by Respondent no.4, the respondent shall not take any action of demolition and/or removal of the mezzanine floor in respect of the aforesaid units mentioned in clause No.1 for a further period of six weeks from the date of communication of rejection of regularisation proposal in order to enable the said members of the petitioner society to take appropriate remedy in accordance with law.

5. That the respondents shall not take any action of demolition and/or removal of any part of the mezzanine floor in respect of the aforesaid units mentioned in clause No.1 till the respondent no.4 and/or any other concerned authority does not complete the procedure for regularisation as mentioned in Clause Nos.1 to 4 hereinabove.

6. It is clarified that this order should not be construed as permission to make reconstruction.

7. Writ Petition is disposed of accordingly.

8. No order as to costs.